



IFW

Practitioner's Docket No. 1941/173

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Christian Teissl, Erwin S. Hochmair

Application No.: 10/779,570

Group No.: 3738

Filed: 02/13/2004

Examiner: Willse, David H

For: Magnetic Interference Free Surgical Prostheses

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is a small entity.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

M. Brad Lawrence

(type or print name of person certifying)

Date: June 23, 2005

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.



FEE FOR CLAIMS

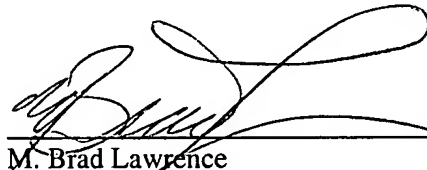
4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

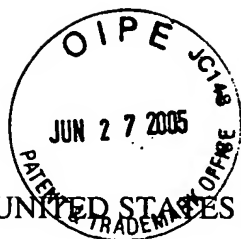
	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	8	- 33	= 0	x \$ 25.00	= \$	0.00	
INDEP.	1	- 3	= 0	x \$ 100.00	= \$	0.00	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 0.00	= \$	0.00	
				TOTAL ADDIT. FEE	\$	0.00	

No additional fee for claims is required.

Charge any fees required by this paper or credit any overpayment to deposit account number 19-4972.

Date: June 23, 2005


M. Brad Lawrence
Registration No. 47,210
BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, MA 02110-1618
US
617-443-9292
Customer No. 02101



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Teissl et al. Atty Dkt: 1941/173
Serial No: 10/779,570 Art Unit: 3738
Date Filed: 2/13/04 Examiner: Willse, David H.
Invention: Magnetic Interference-Free Surgical Prosthesis

CERTIFICATE OF MAILING

I hereby certify that this correspondence addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 is being deposited with the United States Postal Service as first class mail on June 23, 2005.


M. Brad Lawrence

Mail Stop Amendment
Commissioner for Patents
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Alexandria, VA 22313-1450

RESPONSE

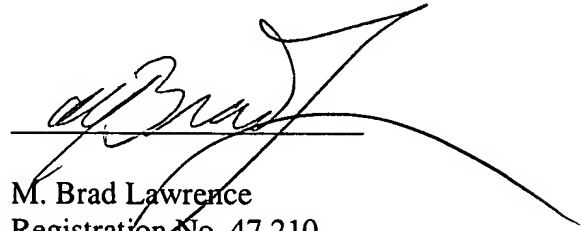
Dear Sir:

The March 24, 2005, Office Action in the above-identified application indicated that "if the original claims are found allowable, and a divisional application has been filed for the non-elected claims, further action in the application will be suspended pending resolution of the divisional application." Applicants filed a divisional application directed to the non-elected claims from this application (Claims 9-33) on June 21, 2005. Applicants thus believe that further action in this application should be suspended.

Of course, Applicants will inform the examiner for this application of the serial number for this divisional application when such is received.

DATE: June 23, 2005

Respectfully submitted,



M. Brad Lawrence
Registration No. 47,210
Attorney for Applicants

Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618
(617) 443-9292

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